

**RESOLUTION NO. 1087 -2012, ADOPTING LOCAL LAW  
NO. 6 -2013, A CHARTER LAW TO IMPROVE THE  
COUNTY'S OPERATING EFFICIENCIES BY  
TRANSFERRING THE DIVISION OF RISK MANAGEMENT  
TO THE SUFFOLK COUNTY DEPARTMENT OF LAW**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on October 9, 2012, a proposed local law entitled, "**A CHARTER LAW TO IMPROVE THE COUNTY'S OPERATING EFFICIENCIES BY TRANSFERRING THE DIVISION OF RISK MANAGEMENT TO THE SUFFOLK COUNTY DEPARTMENT OF LAW;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 6 -2013, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO IMPROVE THE COUNTY'S OPERATING  
EFFICIENCIES BY TRANSFERRING THE DIVISION OF RISK  
MANAGEMENT TO THE SUFFOLK COUNTY DEPARTMENT OF  
LAW**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds that addressing liability and workers' compensation issues often requires knowledge of the intricacies of the various state laws governing these complex matters.

This Legislature further finds that the Suffolk County Department of Law is well-versed in both areas creating an opportunity for better oversight and direction in numerous areas where the legal process is involved.

This Legislature finds that in light of its expert knowledge and in order to impose more efficiencies, controls and accountability, the Division of Risk Management within the County Department of Human Resources, Personnel and Civil Service should be transferred to the Department of Law.

Therefore, the purpose of this law is to transfer the Suffolk County Division of Risk Management from the Suffolk County Department of Personnel, Human Resources and Civil Service to the Suffolk County Department of Law.

**Section 2. Amendments.**

I.) Article VI of the SUFFOLK COUNTY CHARTER, is hereby amended to read as follows

**Article VI**  
**Department of Human Resources,**  
**Personnel and Civil Service**

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**§ C6-2. Powers and duties.**

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**B.)** The Division of Human Resources shall have the following powers, duties and responsibilities:

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**[(6)]** Have jurisdiction and control over workers' compensation insurance and the administration of all workers' compensation laws for all County employees.]

**[(7)] (6)** Have jurisdiction and control over the administration of all County salary plans.

**[(8)] (7)** Have jurisdiction and control over employee benefits and retirement benefits.

**[(9)] (8)** Have jurisdiction and control over all Occupational Safety and Health Administration (OSHA) related matters that affect the safety, health and well-being of County employees, including all functions and programs performed by the County Safety Officer.

**[(10)] (9)** Have jurisdiction and control over the Deferred Compensation Plan.

**[(11)] (10)** Have jurisdiction over recruitment, retention and training of employees.

**[(12)] (11)** Have jurisdiction and control over the enrollment of County employees in retirement plans, in such health insurance plans as may be approved by the County Legislature and in such other employee benefit programs as may be approved by action of the County Legislature.

**[(13)]** Have jurisdiction and control over the management of any liability claims made against the County of Suffolk, its officers, agents, employees, or covered parties, for medical malpractice, automobile, general liability, property damage, personal injury, errors and omissions, or any other item of liability.]

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II.) Article XVI of the SUFFOLK COUNTY CHARTER is amended to read as follows

**Article XVI  
Department of Law**

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**§ C16-1. Department established; County Attorney to be Department head.**

(A) There shall be a Department of Law, the head of which shall be the County Attorney, who shall be appointed by the County Executive subject to the approval of the County Legislature and shall serve at the pleasure of the County Executive. The County Attorney shall be a resident of the County admitted to practice law in this state. The County Attorney shall appoint a Chief Deputy County Attorney, who shall have the same qualifications as the County Attorney and who, in the absence of the County Attorney, shall possess his powers and perform his duties, and such other deputies, assistants, officers and employees as may be authorized by the County Legislature. Within the appropriations therefor and when authorized by the County Executive, the County Attorney may employ such special counsel as may be necessary.

(B) Within the Department of Law, there shall be Division of Insurance and Risk Management having jurisdiction and control over (i) workers' compensation insurance and the administration of all workers' compensation laws for all County employees; and (ii) the management of any liability claims made against the County of Suffolk, its officers, agents, employees, or covered parties, for medical malpractice, automobile, general liability, property damage, personal injury, errors and omissions, or any other item of liability.

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**Section 3. Transfer of Risk Management.**

(A) In order to effectuate the amendments contained in this law, the Division of Risk Management within the Suffolk County Department of Human Resources, Personnel and Civil Service is hereby transferred to the Suffolk County Department of Law and those employees in the Division of Risk Management within the Suffolk County Department of Human Resources, Personnel and Civil Service who are employed in positions in that Division on the effective date of this law shall be transferred to the Suffolk County Department of Law subject to the provisions of the NEW YORK CIVIL SERVICE LAW and Rules of the Department of Human Resources, Personnel, and Civil Service.

- (B) All records, property and equipment currently associated with and utilized in connection with the powers, functions and duties of the Division of Risk Management within the Suffolk County Department of Human Resources, Personnel and Civil Service shall be transferred to the new Division of Insurance and Risk Management within the Suffolk County Department of Law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. Transition and Applicability Provisions.**

- (A) This law shall apply to all actions occurring on or after the effective date of this law.
- (B) Any reference to the Division of Risk Management within the Suffolk County Department of Human Resources, Personnel and Civil Service in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Division of Insurance and Risk Management within the Suffolk County Department of Law, anything in any laws or regulations to the contrary notwithstanding.
- (C) All County departments shall cooperate fully with the Suffolk County Attorney, or his or her designee, in all phases of implementing the provisions of this law.

**Section 6. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 7. Effective Date.**

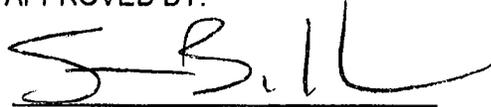
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletions of material.

\_\_\_ Underscore denotes the addition of new material.

DATED: December 4, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-27-12

After a public hearing duly held on December 19, 2012

Filed with the Secretary of State on January 29, 2013

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 4, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res. 2004

Res. No. 1087

December 4, 2012

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1						
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE		/			
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.		/			
13	Lynne C. NOWICK		/			
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	14	3			

MOTION	
<input checked="" type="checkbox"/> Approve	
Table: _____	
<input type="checkbox"/> Send To Committee	
<input type="checkbox"/> Table Subject To Call	
<input type="checkbox"/> Lay On The Table	
<input type="checkbox"/> Discharge	
<input type="checkbox"/> Take Out of Order	
<input type="checkbox"/> Reconsider	
<input type="checkbox"/> Waive Rule	
<input type="checkbox"/> Override Veto	
<input type="checkbox"/> Close	
<input type="checkbox"/> Recess	
APPROVED <input checked="" type="checkbox"/>	FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/>	No Second <input type="checkbox"/>

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Roll Call  Voice Vote

Tim Laube, Clerk of the Legislature